INTRODUCTION

DECOLONIZATION:
TOWARD A MUSICAL APPROACH TO RELIGION

In this work I investigate the virulent Islamic renewal in the Sudan that has been gathering momentum since the early 1960s, and that succeeded in establishing two ‘theocracies’ in the early and late 1980s. This renewal raised as never before the issue of the identity of the country and led to the intermittent civil war that began in 1985. The novelty of my work rests on a blend of scholarly and autobiographical concerns. The work bases its explanation of this religious renewal on a study of the colonial and postcolonial history of the Sudanese Judiciary whose courts and laws have been at the center of Islamic renewal in the country. The book will unravel the conflict between the Civil and Sharia divisions of the Judiciary. Hierarchized by the British administration, the Civil Division was endowed with power and authority over the Sharia Division. The courts of the latter division were relegated to a family law whose qadis (judges) were discriminated against by strategic, personnel, and financial policies giving priority to civil courts.

I did some business with a sharia court in 1978 at a critical juncture in my life when I cut loose from two biological or political authorities. In 1978, I resigned from the Sudan Communist Party (SCP) after almost two decades of intense, and I hope, meritorious service in its ranks as a student activist and in the cultural field. Also, I lost my father who died in 1978. He had been distraught by my political choices, but remained a patient, sympathetic critic.

I was critical of the SCP’s inability to transcend its 1971 debacle resulting from a premature bid for power through a military coup. Returning after three days in confinement under the putschists, an outraged President Nimerie (1969–1985) wiped out the cream of the party’s leadership including Abd al-Khalig Mahjub, the charismatic, well-read, and well-spoken secretary of the party. The party miraculously survived but lost the intellectual fire that mesmerized my generation. Wrapped in victimization, the party, as I saw it then, and even now, has been responding with aggrieved outrage substituting for self-reflection. Quest for revenge dulled its critical faculties which made it stand out as a
different political enterprise before. Having lost this taste for questioning itself and the world, it turned into a regular political party joining the internecine feuds of the elites.

I entered the court of personal law, sharia court, in 1978 representing my family in distributing the modest, but invaluable, property left by my father. No one has been to a sharia court without making a mental note of the women folk circling and crowding its corridors. A *New York Times* reporter described such a court as late as 2000 as a ‘crowded melancholy court room’ whose dismal trash-hallways ooze stories about ‘children abandoned, families impoverished and women trapped in marriages they can escape only with permission from their husbands’ (1 March 2000). Similarly, that was the mental note I jotted my first day in the court. The women at the court, let it be remembered, come from the poor, the needy, and the unprotected. That evening I visited the late ‘Abdullahi Salih, an attorney, a good communist, and an old friend since our intermediate schooldays in Atbara. The occasion came to tell him about my business at the sharia court. I then asked: ‘‘Abdullahi, do you appear before sharia courts?’ He answered: ‘I have the license to do it. But I have never done business with it.’

His answer disheartened me. I felt that we, supposedly the furnishers of the script of the new society, were not at the site where the saddest stories are told. How could we, who had been selflessly working to help the poor, the disadvantaged, and the powerless, have abandoned this category of unhappy women? Where else should these litigious women, whose anguish is still the sole prerogative of sharia courts, a court we modernists despise and dismiss for being archaic and men-friendly, look for their day at court? If a good man like ‘Abdullahi, I thought, was not present when theses stories unravelled, how could these stories factor into politics? I did not hide my thoughts from ‘Abdullahi. I stated my point and said: ‘‘Abdullahi, I am afraid that we have been mingling with the wrong women and men.’ He was gracious enough not to dismiss my criticism as the heretical afterthoughts of an ex-communist. He knew that I would have revealed this hurt to no other person. We had been through a time of great solidarity and trust. God bless his soul.

I wrote later about this day on which I entered the sharia court and never left it as this book will show (*al-Fajr* 16 August, 1998). Even after I successfully concluded my business at the court, its halls of sad stories and family eruptions lingered in my mind. The court colonized me. Something about the cheap dress of the women and the embattled children remained with me. The judge struck me as unlike *me* although